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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,939	08/28/2003	Dana M. Serrels	DP-309610	8114
22851	7590	06/19/2006	EXAMINER	
DELPHI TECHNOLOGIES, INC.			JOYCE, WILLIAM C	
M/C 480-410-202			ART UNIT	
PO BOX 5052			PAPER NUMBER	
TROY, MI 48007			3682	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/650,939		SERRELS ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	William C. Joyce		3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 16-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-20 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

### **DETAILED ACTION**

This is the First Office Action in response to the above identified patent application filed on August 28, 2003.

#### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7 and 16-20, drawn to a bearing and bearing retaining structure, classified in class 384, subclass 537.
  - II. Claims 8-15, drawn to a method of forming a bearing retaining structure, classified in class 29, subclass 898.07.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case The bearing device of claim 1 and 16 can be made from a manufacturing operation other than riveting, such as rolling.

2. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with Jimmy L. Funke on June 2, 2006 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-7 and 16-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Drawings***

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "plurality of arcuate shaped members" of claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim 3, the limitation "wherein a portion of the portion of said unitary wall from which said portion is formed is used to retain the bearing" is awkwardly worded making the claim unclear.

b. Claim 7, the limitation "said retention feature comprises a pair of retention features...one of said pair of retention features each being positioned on one side of the bearing and the other one of said pair of retention features being position on another side of said bearing" is not fully understood. Referring to claim 1, it is understood the

bearing pocket is formed with a single shoulder for supporting the bearing. More particularly, the shoulder, as defined in claim 1, cannot be replaced with the retention feature of claim 7 because claim 7 incorporates all the limitations of claim 1. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers. Appropriate correction is required.

- c. Claim 20, it is not clear what applicant considers as "a plurality of arcuate shaped members" as defined in claim 20.

### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3, 5-7, 16, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sasaki et al. (US Pub. 2002/0095790).

Sasaki et al. illustrates a bearing having: a bearing pocket defining a bearing opening for receiving the bearing therein, said bearing pocket having a single shoulder for supporting the bearing and a unitary outer wall extending therefrom, said unitary outer wall defining a portion of said bearing pocket, said unitary outer wall being defined

by a uniform inner diameter corresponding to an outer diameter of the bearing; and a retention feature for retaining the bearing in said bearing pocket, said retention feature being formed from a portion of said outer wall after the bearing is inserted in said bearing opening, wherein said retention feature is formed using a tool under force to an outer surface of said outer wall after the bearing is inserted into said bearing pocket.

The method limitation "radial riveting process" in an apparatus claim has been given limited patentable weight.

With respect to claim 7, Sasaki et al. illustrates in Figure 4 a retention feature at both ends of the bearing.

10. Claims 1-3, 5-7, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Brandenstein et al. (US Patent 4,888,862).

Brandenstein et al. illustrates a bearing having: a bearing pocket defining a bearing opening for receiving the bearing therein, said bearing pocket having a single shoulder for supporting the bearing and a unitary outer wall extending therefrom, said unitary outer wall defining a portion of said bearing pocket, said unitary outer wall being defined by a uniform inner diameter corresponding to an outer diameter of the bearing; and a retention feature for retaining the bearing in said bearing pocket, said retention feature being formed from a portion of said outer wall after the bearing is inserted in said bearing opening, wherein said retention feature is formed using a tool under force to an outer surface of said outer wall after the bearing is inserted into said bearing pocket.

The method limitation “radial riveting process” in an apparatus claim has been given limited patentable weight.

11. Claims 1-7, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Muraki et al. (US Publication 2002/0172443).

Either Muraki et al. teaches a bearing having: a bearing pocket defining a bearing opening for receiving the bearing therein, said bearing pocket having a single shoulder for supporting the bearing and a unitary outer wall extending therefrom, said unitary outer wall defining a portion of said bearing pocket, said unitary outer wall being defined by a uniform inner diameter corresponding to an outer diameter of the bearing; and a retention feature for retaining the bearing in said bearing pocket, said retention feature being formed from a portion of said outer wall after the bearing is inserted in said bearing opening, wherein said retention feature is formed using a tool under force to an outer surface of said outer wall after the bearing is inserted into said bearing pocket.

The method limitation “radial riveting process” in an apparatus claim has been given limited patentable weight.

With respect to claim 4, Muraki et al. discloses the bearing pocket can be made from aluminum.

12. Claims 1-3, 5-7, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Radocaj (US Patent 6,941,651).



Radocaj teaches a bearing having: a bearing pocket defining a bearing opening for receiving the bearing therein, said bearing pocket having a single shoulder for supporting the bearing and a unitary outer wall extending therefrom, said unitary outer wall defining a portion of said bearing pocket, said unitary outer wall being defined by a uniform inner diameter corresponding to an outer diameter of the bearing; and a retention feature for retaining the bearing in said bearing pocket, said retention feature being formed from a portion of said outer wall after the bearing is inserted in said bearing opening, wherein said retention feature is formed using a tool under force to an outer surface of said outer wall after the bearing is inserted into said bearing pocket.

The method limitation "radial riveting process" in an apparatus claim has been given limited patentable weight.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Joyce whose telephone number is (571) 272-7107. The examiner can normally be reached on Monday - Thursday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
William C. Joyce 6/7/06